

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ERIC BURKE, CRAIG BARKER, RICK
CALTON, ARTHUR SALISBURY,
WILLIAM CORY TANNER, BRIAN
TANNER, and TONY WEAVER,
on behalf of themselves and all others similar
situated,

Plaintiffs,

v.

BIMBO BAKERIES USA, INC. and,
BIMBO FOODS BAKERIES
DISTRIBUTION, LLC,

Defendants.

Civil Action No. 7:19-cv-11101 (KMK)

**DEFENDANTS' NOTICE OF MOTION TO DISMISS
PLAINTIFFS' CLASS ACTION CLAIMS**

PLEASE TAKE NOTICE that Defendants Bimbo Bakeries USA, Inc. and Bimbo Foods Bakeries Distribution, LLC (collectively, "Defendants"), pursuant to the Federal Rules of Civil Procedure and the Local Civil Rules of the Southern District of New York, and upon the accompanying Memorandum of Law in Support of Defendant's Motion to Dismiss Plaintiffs' Class Action Claims and the exhibit attached thereto, hereby move this Court, before the Honorable Kenneth M. Karas, in the United States District Court, at the United States Courthouse for the Southern District of New York, 300 Quarropas Street, Courtroom 521, White Plains, NY, 10601, on a date and at a time to be designated by the Court, for an Order dismissing Plaintiffs' Class Action claims.

Dated: March 23, 2020

Respectfully submitted,
MORGAN, LEWIS & BOCKIUS LLP
By: /s/ Michael J. Puma
Michael J. Puma
1701 Market Street
Philadelphia, PA 19103
Telephone: (215) 963-5305
Facsimile: (215) 963-5001
michael.puma@morganlewis.com

Attorneys for Defendants